

Practitioner's Docket No. 6488.US.O2

#12 RAC\$
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James J Fort, Steven L. Krill, Devalina Law, Yihong Qiu, William R. Porter, and Eric A. Schmitt

Application No.: 09/709,829
Filed: 11/10/2000
For: Solid Dispersion Pharmaceutical Formulations

Group No.: 1654
Examiner: J. E. Russel

RECEIVED

SEP 09 2005

OFFICE OF PETITIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

PETITION TO REVIVE APPLICATION ABANDONED UNINTENTIONALLY
FOR FAILURE TO REPLY TO A FINAL REJECTION

1. This application became abandoned on September 30, 2003.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional 37 C.F.R. § 1.137(b)(3).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

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G facsimile transmitted to the Patent and Trademark Office, (703) _____

Wanda E. Smith
Signature

Date: 9/1/05

Wanda E. Smith
(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

09/08/2005 HHHEED1 00000081 010025 09709829

01 FC:1453 1500.00 DA

3. Reply

With respect to the outstanding requirements applicant files herewith a Notice of Appeal and appeal fee.

4. Fee (37 C.F.R. ' 1.17(m))

Applicants' status is: Other than a small entity — fee \$1,500.00.

5. Fee Payment

Authorization is hereby made to charge the amount of \$1,500.00 to Deposit Account No. 01-0025.

WARNING: Credit card information should *not* be included on this form as it may become public.

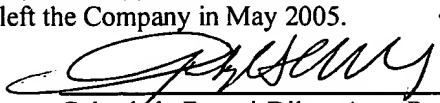
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

6. Showing

Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997); Section 711.03(c), MPEP, 8th Edition, Rev.2).

This application became abandoned on September 30, 2003 for failure to timely file a proper reply to the Office Letter mailed on January 17, 2003. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional. Applicant's representative first discovered that this application became abandoned when the present application was included in her docket after the previous Applicant's representative left the Company in May 2005.

Date: 9/1/05



Gabryleda Ferrari-Dileo, Atty. Reg. No. 55,174

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